

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES HENRY BARNES,

Plaintiff,

Civil Action No. 12-CV-15256

vs.

HON. BERNARD A. FRIEDMAN

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.  
\_\_\_\_\_ /

**ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,  
GRANTING IN PART PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, and  
DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

This matter is presently before the Court on cross motions for summary judgment. Magistrate Judge Laurie J. Michelson has submitted a Report and Recommendation ("R&R") in which she recommends that plaintiff's motion be granted in part and that defendant's motion be denied. Neither party has objected to the R&R and the time for doing so has expired. The Court has reviewed the motion papers and the R&R and agrees with the magistrate judge's analysis. Accordingly,

IT IS ORDERED that Magistrate Judge Michelson's R&R is hereby accepted and adopted as the findings and conclusions of the Court.

IT IS FURTHER ORDERED that plaintiff's motion is granted in part and this matter is remanded for further proceeding for the reasons and purposes articulated in the magistrate judge's R&R, namely, to properly address the medical equivalence issue and to properly evaluate the

opinion of the physician assistant. This is a “sentence four” remand pursuant to 42 U.S.C. § 405(g).

IT IS FURTHER ORDERED that defendant’s motion for summary judgment is denied.

S/ Bernard A. Friedman\_\_\_\_\_  
BERNARD A. FRIEDMAN  
SENIOR UNITED STATES DISTRICT JUDGE

Dated: December 5, 2013  
Detroit, Michigan